

October 9, 2002: "An Evaluation of the Annual Report on International Religious Freedom."

Testimony by Felice Gaer, Chair

United States Commission on International Religious Freedom
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One of the guiding purposes and principles behind the International Religious Freedom Act of 1998 (IRFA) has been to make the issue of international religious freedom an integral part of this nation's foreign policy agenda. IRFA sets out a number of interrelated mechanisms to further U.S. promotion of international religious freedom. These mechanisms include the creation in the State Department of an Office of International Religious Freedom headed by an Ambassador at Large for International Religious Freedom; an annual report by the State Department on the conditions of religious freedom in each foreign country and U.S. actions to promote religious freedom; a requirement that the President designate those countries that are egregious violators of religious freedom and generally take action to oppose violations; and the creation of the U.S. Commission on International Religious Freedom, which monitors international religious freedom and to makes independent recommendations to the President, the Secretary of State, and the Congress as to how the United States can further the protection and promotion of religious freedom.

This testimony will address two important and interrelated mechanisms set out in IRFA: the international religious freedom report issued annually by the Department of State and the designation by the Secretary of State (as the President's designee) as countries of particular concern, or CPCs - those countries whose governments have engaged in or tolerated particularly severe violations of religious freedom as defined in IRFA.

The State Department's Annual Report on International Religious Freedom

The Annual Report on International Religious Freedom is unique. It is the only government report on religious freedom conditions worldwide. And it addresses more than conditions. Congress asked the State Department to describe U.S. policies in support of religious freedom as well as what the U.S. government is doing to promote religious freedom around the world. This reporting on policy is

critical because it is a yardstick with which to measure the U.S. government's progress in meeting the goals of IRFA - opposing violations and promoting religious freedom.

The 2002 annual report was received only two days ago. Like previous annual reports, it reflects an enormous amount of attention and effort by U.S. embassy staff around the world, as well as the Office of International Religious Freedom and others here in Washington who have labored to produce this extensive and impressive global assessment. The Department has reached out to a wide variety of sources of information. They have examined laws. They have investigated individual cases. The Commission commends this effort and those engaged in it.

Many of the reports provide a rich array of information on religious freedom conditions, including China, Indonesia, Russia, and Pakistan. This should be obvious to anyone who reads it. Because time is short, let me discuss some thematic issues.

Some reports, for example, only tell part of the story. The report on Saudi Arabia, although it presents in detail severe violations of religious freedom, including prolonged detention, imprisonment, and impermissible corporal punishments does not discuss intolerance against religious minorities embedded in the education system or allegations that the Saudi government has played a role in training religious militants, both inside Saudi Arabia and abroad. Also, the report on Afghanistan concentrates to a large extent on events under the Taliban era. Troubling post-Taliban developments such as the re-emergence under various guises of the Taliban era's Department to Prevent Vice and Promote Virtue, are absent. We would have wished to see more on the extraordinary episode in which the Chief Justice of post-Taliban Afghanistan accused a sitting Minister of the government (and the only female minister) of blasphemy, without regard either to legal procedure or to a legal basis. The Department attributes this accusation to a "political dispute between fundamentalist ...and modernist factions..." and to the Chief Justice's "interpretation of Shariah." Such issues merit much greater focus, as the status of religious freedom in post-Taliban Afghanistan is not merely about a regime change, but about how that regime and its leaders are moving to restore tolerance and respect for international human rights norms, including religious freedom, and how they will treat all citizens - women and men - who seek to exercise those freedoms. Particularly at this time in history, the U.S. government should be looking closely at these issues, and informing the American people about how our presence is - or is not - changing the status of all freedoms in that country, for all Afghans. In this regard, the Commission has recommended that the President or Secretary of State appoint without delay a high-level Special Envoy to advance human rights in Afghanistan.

Criticism of some countries appears to have been muted. Unlike last year's report, the Report's Executive Summary on Uzbekistan this year fails to mention ongoing detention and imprisonment of

Muslims, as well as torture. The full country chapter on Uzbekistan does provide details of these and other abuses. Yet several events are described as positive developments -- although it remains to be seen if these developments reflect any genuine change in a country where the reports of the practice of torture and ill-treatment by law enforcement personnel have been so "particularly numerous, ongoing and consistent" - in the words of the UN Committee against Torture, a treaty body - as to suggest that it is widespread and tolerated at the highest levels of government. The report on Turkmenistan points to "a widespread internal investigation" of human rights violations as proof of a positive development. Turkmenistan is clearly a highly repressive authoritarian state run by the whim of its dictator, and it is dubious that this so-called investigation will have positive effects on the protection of human rights in that country.

The 2002 annual report shows the continuation of a trend of hesitancy to state conclusions, relying instead on the reports or allegations of others, who are usually unnamed. In the 2001 report on India, for example, we are told that "Human rights groups and others have suggested that the authorities in Gujarat have not responded adequately to acts of violence against religious minorities..." We would like to know what is the U.S. Government's view of this. The same report tells us that several U.S. officials went to Gujarat to examine the situation. But we are still waiting for a senior U.S. official to speak out publicly about those findings, rather than to refer generically to "the horrible violence"; we are also waiting for a senior official to travel to the region for further examination.

The annual report continues to provide some information on anti-Semitism, including physical assaults on Jews and firebombing and vandalism against Jewish synagogues, schools, cemeteries, and other institutions. The Commission reiterates its recommendation that State Department officials should report accurately and comprehensively on anti-Semitic acts, going beyond host government information which often overlooks religion-related underpinnings.

It might be helpful for the Department to strengthen its instructions to increase awareness of international human rights norms and the work of international and regional human rights mechanisms.

Some of the conclusions that are reached in the 2002 report are questionable in our view, such as the Department's determinations that there have been improvements in respect for religious freedom in Vietnam and Egypt, and that conditions have remained the same in China and in Russia. The report does note, rightly, a deterioration of conditions in both Georgia and Belarus.

Countries of Particular Concern

The designation of countries of particular concern is one of the most important human rights acts taken by any U.S. administration. As the Ambassador-at-Large has said, the annual international religious freedom report is the factual basis on which those decisions are made.

Consistent with the recommendation of the Commission, last year the Secretary of State renewed the designations of Burma, China, Iran, Iraq, and Sudan as "countries of particular concern" (CPCs) under IRFA and designated North Korea as a CPC for the first time. We have examined the 2002 reports on each of these countries, along with our own study, and have recommended to the Secretary of State that each of these designations as CPCs be maintained, as the governments of all of these countries continue to commit particularly severe violations of religious freedom as defined in IRFA.

The 2002 annual report, again along with our own inquiry, reveals violations so severe in several additional countries so as to require CPC designation. These countries are India, Pakistan, Saudi Arabia, Turkmenistan, Vietnam, and Laos.

Serious violations of religious freedom put four other countries, Egypt, Indonesia, Nigeria, and Uzbekistan, close to the line of meriting CPC designation. The governments of these countries have not taken effective steps to halt repression and/or violence against religious believers, nor, in most cases, to punish those responsible for these acts. We have put them on a "Watch List," and we may, after further monitoring and additional investigation, reassess their status later in the year. A Commission letter to the Secretary of State dated September 30, 2002 outlining these recommendations is attached to this statement.¹

Designation of CPCs is only one aspect of IRFA. IRFA also requires that the U.S. government take steps in response to violations of religious freedom. The annual report is the place where those steps should be described, along with the specific policies that they are intended to further. Much less attention has been paid by the Department to this aspect of the reporting than the reporting on religious freedom conditions. A better balance is needed.

The report does not contain a good description of the policies that the State Department has adopted and is implementing to oppose religious freedom violations and to promote religious freedom - on a worldwide, regional, or even individual country basis. For example, the report does not explain how the promotion of religious freedom is advanced in particular countries through U.S. policies on foreign aid, public diplomacy, and participation in multilateral organizations (such as the UN and the Organization for Security and Cooperation in Europe) and international financial institutions.

Each of these policy areas is specifically mentioned in IRFA as a potential mechanism to promote religious freedom. In contrast, the Commission has made recommendations on using each of these policies to promote religious freedom in several countries. Also, the annual report does not describe the results (or lack thereof) of the particular actions taken, such as the outcomes resulting from meetings with foreign government officials.

Of all the countries mentioned in the Executive Summary of the 2002 annual report, only the reports on China, Egypt, Indonesia, and Vietnam attempt any kind of systematic explanation of U.S. policies and how the actions taken by the U.S. government during the reporting period further those policies. This type of explanation is notably absent in the reports on Saudi Arabia, India, Pakistan, Nigeria, Sudan, Uzbekistan, and Laos. The United States has diplomatic relations with all of these countries and is engaged on various levels with their host governments.

In addition, it is not apparent from the lists of actions taken how the United States is seeking to promote - in a coordinated and deliberate fashion - religious freedom in countries where violations occur. The Commission is concerned that, unlike in previous years, the Secretary of State has yet to inform Congress what steps he has taken to oppose particularly severe violations of religious freedom and promote the right to freedom of religion in those countries designated as CPCs back in October 2001. And despite the availability of a range of policy tools, the State Department continues to take no additional action under IRFA against those countries the Secretary names as CPCs, explicitly relying instead on pre-existing sanctions to meet IRFA's requirement to oppose particularly severe violations of religious freedom. While this may be technically correct under the statute, it is indefensible as a matter of policy.

In the remaining time, I would like to highlight a few of the Commission's policy recommendations to promote religious freedom in those countries that we believe should be designated as CPCs in the hope that the Congress.

The horrific abuses of all human rights in North Korea have contributed to tens of thousands of refugees fleeing to China, many of whom have been forcibly repatriated by the Chinese government. Last week, the Commission urged President Bush to make clear to the North Korean authorities that significant progress on religious freedom and other human rights is necessary for improved bilateral relations. The North Korean officials should be pressed to stop seeking forced repatriation of those who have fled the country, to cease the harsh and sometimes lethal treatment of returnees, and to negotiate and enter into a binding agreement with the United States, as authorized under IRFA, to cease violations of religious freedom. President Bush should (1) communicate to the President of China U.S. concerns about the situation of thousands of North Koreans who have fled to China and (2) urge the Chinese government to abide by its international commitments to refrain from forcibly repatriating North Koreans

and to grant refugee status to those who meet international criteria.

In China, the government has intensified its campaign of repression against religious believers in the past year. President Bush has personally raised the importance of religious freedom to China's President and has taken this message directly to the Chinese people. The Commission urges that goals and benchmarks be established prior to President Jiang's upcoming visit to the United States later in October in order to measure progress in the protection of religious liberty in China. Among these benchmarks should be the release of persons confined on account of their religion or belief and an end to the detention, imprisonment, torture, and other forms of ill treatment of Protestant Christians, Roman Catholics, Tibetan Buddhists, Uighur Muslims, and other groups, such as Falun Gong, that the government has labeled "evil cults." This would be an appropriate follow up on the recent visit to China of the Ambassador at Large for International Religious Freedom.

Recent events in Sudan, including the bombing of civilian targets and renewed bans on humanitarian assistance deliveries, remind the world of the genocidal acts that the Sudanese government has committed in that civil war. The United States has been engaged in bringing the warring parties to the peace table and in improving humanitarian conditions in southern Sudan and the Nuba Mountains. The developments of the past few weeks show that real pressure is necessary to bring the Khartoum government to the peace table in good faith - pressure directed at halting the Sudanese government's use of oil revenues to prosecute the war. Peace talks are scheduled to resume next week, and we urge the administration not to flag in its efforts to bring about a just and lasting peace in Sudan, taking into account the recently passed Sudan Peace Act.

Each State Department annual report has stated that religious freedom simply "does not exist" in Saudi Arabia. Yet the Secretary of State has not named Saudi Arabia as a CPC. The Saudi government enforces a strict interpretation of Islam - to the exclusion of all others - and uses that interpretation as a justification for comprehensive restrictions on minority religious practice, whether Muslim or non-Muslim. Religious freedom violations in Saudi Arabia include torture and cruel and degrading treatment or punishment imposed by both judicial and administrative authorities; prolonged detention without charges (and often incommunicado); and flagrant denials of the right to liberty and security of the person, including coercive measures directed against women and the extended jurisdiction of the religious police (mutawaa), whose powers are vaguely defined and exercised in ways that violate the religious freedom of others. In The mutawaa, who have been much criticized for their role in the fire at a girl's school last March, were also cited by the UN Committee Against Torture for activities that violate that treaty.

In India, for the past two years, the Commission has expressed concern about the severe violence against religious minorities - including Christians, Muslims, and others -- in which there has

been a pattern of failure to bring those responsible to account. In recent years, Christians have suffered numerous, sometimes fatal, attacks. You may be well aware of the events in the state of Gujarat, on which the Commission held a public hearing in June 2002. In February-April 2002, after 58 Hindus were killed on a train in Godhra, at least 1,000 Muslims were killed and more than 100,000 forced to flee their homes as a result of violence by Hindu mobs. While the "horrible violence" has been noted by U.S. officials, there has been no direct condemnation of the fact that the attacks were mainly against Muslims. The American Ambassador and other senior officials should speak out and should encourage the Indian government to take action to protect Muslims and hold perpetrators accountable before the law.

The government of Pakistan has failed adequately to protect religious minorities from sectarian violence and to hold perpetrators to account, including those responsible for the recent upsurge in attacks targeting Christians. Discriminatory laws, including the blasphemy and anti-Ahmadi laws, have been used to imprison individuals for the peaceful practice of their faith and also help to create an atmosphere of religious intolerance that contributes to violence. Too many of Pakistan's Islamic religious schools continue to provide ideological training and motivation to those who take part in violence targeting religious minorities in Pakistan and elsewhere. U.S. relations with Pakistan have changed enormously in the past year. This new relationship should afford the U.S. government the opportunity to press for and encourage reforms in law and practice, including the types of reforms called for in House Resolution 348.

Since Congress ratified the U.S.-Vietnam Bilateral Trade Agreement in September 2001, the Vietnamese government has continued its repressive policies toward all religions and their followers. A Commission delegation that visited Vietnam in March 2002 found that religious dissidents remain under house arrest or are imprisoned, including Father Thaddeus Nguyen Van Ly, who was detained after he submitted testimony to the Commission last year. In addition, Vietnamese government officials continue to suppress organized religious activities and to harass leaders and followers of unregistered religious organizations, particularly unregistered Protestant fellowships and other religious minorities, as well as clergy members of officially recognized religious groups, including Catholics and Buddhists, who endure government interference in their activities.

The Commission continues to recommend that the U.S. government extend CPC status to Turkmenistan, where the government severely restricts religious activity other than that engaged in by the government-sanctioned Sunni Muslim Board and the Russian Orthodox Church. Members of unrecognized religious communities - including Baha'is, Baptists, Hare Krishnas, Jehovah's Witnesses, Muslims operating independently of the Sunni Muslim Board, Pentecostals, and Seventh-day Adventists - have reportedly been arrested, detained (with allegations of torture and other ill-treatment), imprisoned, deported, harassed, and fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed. Turkmenistan's President Niyazov has not made good on promises to senior U.S. officials to make improvements. The Commission has also recommended suspension of all non-humanitarian

assistance to the government of Turkmenistan, with the exception of programs that serve specifically identifiable U.S. national security interests.

Finally, the Commission continues its recommendation that Laos be designated a CPC. Government officials in Laos continue to arrest, detain (at times for months), and imprison members of minority religions on account of their faith. In some instances, officials attempted to force Christians to renounce their faith. A Commission delegation visited Laos in February 2002 and noted a number of new developments that bear watching.

Conclusion

The 2002 annual report is a significant achievement in implementing IRFA. For the reasons discussed above, it is still a less effective instrument of U.S. foreign policy than it could be. The Commission looks forward to continuing to work with the State Department and the Congress in improving the annual report and developing policies to protect religious freedom worldwide.